

01/08/01

JC979 U.S. PTO

01-09-01

Page 1 of 3

Customer Number: 000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:	PRIOR APPLICATION SERIAL NUMBER: 09/376,184	PRIOR APPLICATION FILING DATE: AUGUST 17, 1999
UAI-004CPDV2CN	CLASS:	SUBCLASS:	EXAMINER: M. ZEMAN
			ART UNIT: 1643

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10	
Date of Deposit: <u>January 8, 2001</u>	Mailing Label Number: <u>EL589753422US</u>
I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.	
<u>Larry Taylor</u> Name of Person Mailing Paper	<u>Larry Taylor</u> Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/376,184 filed on August 17, 1999, of Casey D. Morrow, Donna C. Porter and David C. Ansardi entitled Encapsidated Recombinant Poliovirus Nucleic Acid and Methods of Making and Using Same which in turn is a divisional application of serial no. 08/987,867 filed on December 9, 1997, which in turn is a divisional application of serial no. 08/389,459 filed on February 15, 1995, which in turn is a continuation-in-part application of serial no. 08/087,009 filed on July 1, 1993.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 75 page(s) of specification (including 22 pages of sequence listing)
- ☒ 6 page(s) of claims
- ☒ 1 page(s) of abstract
- ☒ 21 sheet(s) of drawing
- ☒ 6 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/376,184 as originally filed on August 17, 1999.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 45	MINUS	** 20	= 25
INDEP.	* 9	MINUS	*** 3	= 6
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 40 =	\$0.00
+135 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$ 450.00
x 80 =	\$ 480.00
+ 270 =	\$0.00
BASIC FEE	\$710.00
TOTAL	\$1640.00

4. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No.
5. ☒ **FILING FEE IS NOT BEING PAID AT THIS TIME.**
6. ☐ Cancel in this application original claims ___ of prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: serial no. 09/376,184 filed on August 17, 1999 Pending, which in turn is a continuation application of serial no. 08/987,867 filed on December 9, 1997, which in turn is a continuation application of serial no. 08/389,459 filed on February 15, 1995, which in turn is a continuation application of serial no 08/087,009 filed on July 1, 1993. The contents of all of the aforementioned application(s) are hereby incorporated by reference.
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
☐ The certified copy will follow.
12. ☒ A Three-Month Extension of Time has been submitted in the parent application Serial No. 09/376,184 in order to establish cendency with the present application.
13. ☒ Also enclosed is a Copy of the Request for Three Month Extension of Time submitted in the parent application.
14. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.

RECEIVED 10/15/99

A'

Handwritten initials: 9/15/99

15. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DeConti, Jr., Esq. at Customer Number: **000959** whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

16. ☐ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No.
17. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/376,184. Please use the computer readable form of application serial no. 09/376,184 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/376,184 are the same.

Dated: January 8, 2001

Debra J. Milasincic, Esq.
Registration No. 46,931
for

Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400

[illegible]